UNITED STATES DISTRICT COURT THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

TIM DUNCAN AND CELIA DUNCAN,	§
Plaintiffs,	\$ \$ \$
v.	§
THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR CERTIFICATE HOLDERS OF THE CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-3; BANK OF AMERICA,	\$ CAUSE NO. SA-13-CA1059-DAE \$
N.A. Defendants.	\$ \$ \$

JOINT STIPULATION TO DISMISS

- 1. The parties file this Joint Stipulation to Dismiss this lawsuit pursuant to Federal Rule of Civil Procedure 41(a)(2) on the grounds that the parties have resolved the matters at issue in this cause.
- 2. Both Plaintiffs, Tim and Celia Duncan, and Defendants, The Bank Of New York Mellon ("*Trustee*"), f/k/a The Bank Of New York As Trustee For Certificate Holders of The CWABS, Inc. Asset-Backed Certificates, Series 2005-3 and Bank of America, N.A., respectfully move that this Court dismiss this action without prejudice, with all costs and attorney's fees to be borne by the party incurring same.

Respectfully submitted,

/s/ Tim and Celia Duncan

Tim and Celia Duncan, *pro se* 14819 ByPass Point San Antonio, Texas 78247 210.884.2693

PRO SE PLAINTIFFS

-and-

BRYAN CAVE LLP

/s/ Andrew G. Spaniol

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COUNSEL FOR DEFENDANTS THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR CERTIFICATE HOLDERS OF THE CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-3 and BANK OF AMERICA, N.A.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing pleading was served on all counsel of record registered with the Court's ECF/CM system and by email and certified mail return receipt requested on the 18th day of April 2014:

Tim and Celia Duncan (*pro se*) 14819 Bypass Point San Antonio, TX 78247

/s/ Andrew G. Spaniol
Andrew G. Spaniol